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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,317	05/30/2001	Adam Lavine	5163-104US	7631

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EXAMINER	
SERROU, ABDELALI	
ART UNIT	**PAPER NUMBER**
2654	

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/870,317	LAVINE ET AL.	
	Examiner	Art Unit	
	Abdelali Serrou	2654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-26 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-26 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 05/30/2001 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 6/18/01 & 4/18/02.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 2, and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Kiraly et al. (U.S 6, 324, 511, filed on October 1, 1998).

3. Kiraly et al. teach a method and system for:

- Analyzing a given text string (MS Word text, fig. 4, Step 410) and determine the concept embodied in the text string and the story behind it such a ("horror story", column 9, line 50);
- Selecting animation components corresponding to the concept of the text string ("the text-reader software selects an image or animation sequence that relates to the context of the selected section of the text-based data", column 10, lines 16-18);

- Composing a final animation related to the concept of the text string (fig. 4, element 460); which are displayed on a computer (Abstract)

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 3- 6, 15, and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kiraly et al. in view of Wen-Syan Li (U.S 6, 480, 843, filed on November 3, 1998) and further in view of Hatlelid et al. (U.S 6, 522, 333, filed on October 18, 1999).

6. As per claims 3, and 15 Kiraly et al. teach:

- Filtering said text string to remove any text that is not central to the message contained in said text string ("the text filters filter out text that should not be read aloud", column14, lines 50-51);

However, Kiraly et al. do not teach:

- Replacing inappropriate concepts by examining how each concept was selected using a concept replacement library;
- Prioritizing concepts by weighting each concept based on a preassigned priority system when there are multiple concepts contained in said text string to ensure that the most important concepts are given the highest priority

Li, however, teaches query processing wherein he replaces inappropriate concepts in the input text after weighting, and prioritizing a concept among a plurality of concepts (the query is expanded conceptually by replacing the query words by their corresponding higher-level semantic concept and syntactic relationship (e.g. co-occurrence), (column 7, 19-22).

Therefore, it would have been obvious to combine Kiraly et al. and Li for the benefit of analyzing and determining the concept of a text string or a set of queries for a further reason.

Neither Kiraly et al. nor Li match filtered text with concepts by comparing them against a phrase pattern library and a library of universally understood emoticons.

However, Hatlelid et al. reference recognizes phrases within a text, extract their concept or categorize them, and associate them with an emotional behavior to be displayed (column 2, lines 55-62)

Kiraly et al. Li, and Hatlelid are analogous art because they are from the same field of analyzing an input text string and extracting the concept of it in order to output an animation.

At the time of invention it would have been obvious to a person of ordinary skill in the art, to have added Kiraly et al's. method and system for analyzing and filtering a text string to Li's system for matching, replacing, and prioritizing concepts, and library of universally understood emoticons of Hatlelid, because, by combining Kiraly et al. teaching (column14, lines 48-51) with Li teaching (column 7, 13-22) and Hatlelid et al's teaching, it will be possible to analyze, filter, extract the concept of a text and select animation components from the library of universally understood emoticons and compose a final animation to provide an efficient communication between users.

7- As per claims 4-6 and 17-19, Hatlelid et al. teach processing a text, extract the concept, and "communicate essential emotional and behavioral information" (column 2, line 62). Therefore it would have been obvious for one skilled in the art to note that Hatlelid et al. art discloses a phrase pattern library and a concept replacement library that include a list of emoticons and concepts corresponding to each emoticons.

8. Claims 7-13, 16, and 20-26 are rejected under 35 U.S.C 103(a) as being unpatentable over Kiraly et al. as applied to claims 1 and 3.

9. As per claims 7 and 16 Kiraly et al disclose a library of stories (fig. 3, element 320), props (fig. 3 element 330), background (fig. 4 step 444), music (fig. 3 element454), speech (fig. 4 element 434).

10. As per claims 8 and 20 Kiraly et al. disclose a method and a system whereby stories contain slots in which other animation components may be inserted (fig. 3, element 330).

11. As per claims 9 and 21 Kiraly et al. disclose a method and a system whereby props comprise visual components conceptually related to text string (fig. 3, elements 320 and 330)

12. As per claims 10, 22 neither Kiraly et al, nor Li nor Hatlelid teach a method and system whereby backgrounds comprise visual components conceptually related to said text string used as a backdrop behind an animation to place the animation in a particular context. However, the examiner takes official notice that it is well known to have a system (television, as an example) with a backdrop behind an animation to place the animation in a particular context. Therefore, it would have been obvious to add the backdrop feature to Kiraly's system to place the animation in a particular context.

13. As per claims 11,12, 23 and 24 Kiraly et al. disclose a method and a system whereby music comprises prerecorded sound effects, and speech to said text string which are presented simultaneously with said animation sequence to place said animation sequence in a particular context (fig. 4, step 460).

14. As per claims 13, and 25 Kiraly et al. disclose a method and a system wherein a final animation, which is conceptually related to, said text string is composed (The present invention is particularly useful for users with dyslexia, other reading disabilities, or visual impairment as the simultaneous reinforcement produced by the combination of reading the text-based data aloud, highlighting the words that are being read, and playing sounds and displaying imagery according to the context of the words that are being read make the information easy to perceive and comprehend (column 14 through 15, line 67, line 1-7)

15. As per claim 26 Kiraly et al. disclose a computer programmed to carry out the system (fig. 2)

Conclusion

16- The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Howard R. turtle (US 5,418,948) discloses a computer-implemented process for creating a search query for information retrieval system. David J. Kurlander (US 6,810,622) discloses a system to generate animated comic panels.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdelali Serrou whose telephone number is 703-305-0513. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Talivaldis Smits can be reached on 703-306-3011. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abdelali Serrou

01/07/2004

RICHEMOND DORVIL
SUPERVISORY PATENT EXAMINER